

REMARKS

Applicant acknowledges with appreciation the recognition of the patentable subject matter of claims 7-14, 18, and 21. Accordingly, Applicant amends claim 1 to recite the limitation(s) of claim 21, and claim 21 is canceled herein. Also, claim 1 is amended to overcome the Section 112 rejection by deleting the words “is enhanced by the contact between spud and the spout”.

Each of claims 7, 8, and 9 is re-written in independent form to include all of the limitations of the claim from which it depended. Accordingly, independent claims 1, 7, 8, and 9 merely now recite subject matter that has been determined to be patentable.

Claim 22, which is directed to a container package and closure, contains all of limitations of allowable claim 1 after entry of this amendment. Accordingly, claim 22 should also be allowable. Specifically, claim 22 differs from claim 1 only in the preamble (that is, claim 22 recites a “container package” rather than a “closure”); recitation of the container in the first body paragraph and the corresponding addition of the term “closure” before the term “thread” in the second body paragraph for clarity; and claim 22 recites “the sealing contact between the spout cover interior surface and the spout exterior surface is enhanced by the contact between spud and the spout” rather than “the contact between the spud and the interior surface of the spout enhances the sealing contact between the spout cover interior surface and the spout exterior surface” in claim 1. The scopes of the closure recited in claim 1 and claim 22 are essentially identical.

Dependent claims 49-82 are added to round out the scope of the claims. Other claims are canceled such only independent claims 1, 7, 8, 9, and 22 and their dependent claims are pending. According, Applicant submits that all of the claims are in condition for allowance.

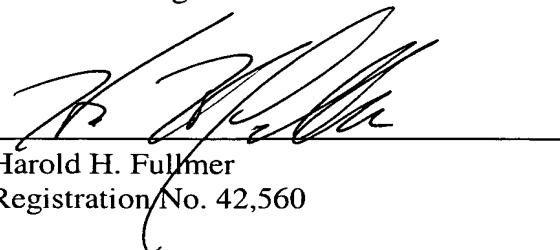
Regarding the Information Disclosure Statement submitted July 2, 2004, Applicants submitted documents from an application disclosing subject matter having some similarities to the subject matter disclosed and claimed in the present application. Applicant submitted references 8 – 11 to meet its duty of disclosure with respect to such subject matter and another Examiner’s views. Although references are, as the Examiner noted, not prior art, Applicants request the Examiner initial the references to acknowledge Applicant’s

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submission. If the Examiner determines that a telephone conversation would be helpful in the prosecution of this case, she is invited to telephone the undersigned at her convenience.

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